

REMARKS

Claims 1, 4, 6, 10 and 15-18 are now pending in the application. Claims 2, 3, 5 and 7-9 have been cancelled. Claims 11-14 have been withdrawn from consideration. Claims 1, 4, 6 and 15 have been amended. The basis for the foregoing amendments may be found throughout the written description, drawings, and claims as originally filed. The Examiner is respectfully requested to reconsider and withdraw the rejection(s) in view of the amendments and remarks contained herein.

REJECTION UNDER 35 U.S.C. § 103

Claims 6 and 10 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Pat. No. 3,740,072 (Veith) in view of U.S. Pat No. 3,028,617 (Racina). This rejection is respectfully traversed.

At the outset, Applicant notes that claim 6 has been amended to more clearly recite the structure of the shoe cleaning apparatus. More specifically, claim 6 has been amended to recite a mounting arm having “a lower horizontal portion defining a lower plane ... an upper horizontal portion defining an upper plane ... said lower and upper planes being substantially parallel”. In addition claim 6 has been amended to recite “said mounting arm further comprising a hinge including upwardly extending hinge members disposed entirely on said lower horizontal portion”.

Applicant submits that Veith alone or in combination with Racina fails to teach or suggest such a feature. In the most recent office action the Examiner has stated with regard to Veith that the “upper portion is 12, lower portion is 16 and the middle stepped portion is 14”. Applicant asserts that the lower portion 16 does not present a horizontal

plane parallel to an upper plane defined by the upper portion 12 as claimed in the present invention. Instead, the lower portion 16 of Veith comprises a pair of vertical ears extending from the sides of the middle portion 14. The lower portion 16 of Veith is therefore perpendicular to the upper portion 12 of Veith.

As a result, reconsideration and withdrawal of this rejection is respectfully requested.

Claims 1, 4-5, and 15-18 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Pat. No. 3,740,072 (Veith) in view of U.S. Pat No. 3,028,617 (Racina), and in further view of U.S. Pat. No. 6,530,105 (MacDonald). This rejection is respectfully traversed.

At the outset, Applicant note that claims 1 and 15 have been amended to recite "an integrally formed mounting arm having a lower portion comprising a lower horizontal member, a stepped portion and an upper portion comprising an upper horizontal member". Further claim 1 has been amended to recite "said lower portion defining a lower plane and extending substantially parallel to an upper plane defined by said upper portion". In addition, claim 1 has been amended to recite "a hinge disposed on said lower plane of said lower portion of said mounting arm". Claim 15 has been amended to include "a brush unit having a frame including a linking aperture formed thereon". Further, claim 15 has been amended to recite "said upper portion of said mounting arm mounts to said hitch receiver such that the entire shoe cleaning apparatus locates entirely under said bumper".

Applicant submits that Veith alone or in combination with Racina or MacDonald fails to teach or suggest such features. As described above with respect to claim 6, the

art of record does not provide a mounting arm having “a lower portion defining a lower plane and extending substantially parallel to an upper plane defined by said upper portion” and “a hinge disposed on said lower plane of said lower portion of said mounting arm”.

With respect to claim 15, in the most recent office action, the Examiner states that the only a portion 60 and 64 of the hitch receiver portion could be used such that a user would be capable of attaching a mounting arm via coupling element 68 and it would be entirely under a bumper. Applicant asserts that utilizing only portions 60 and 64 of MacDonald would render the apparatus unstable. Applicant asserts that the cumbersome shoe cleaning apparatus of MacDonald requires the channel shaped bracketry of legs 52, 54, 56 and 60 for support. Nonetheless, claim 15 as amended requires a mounting arm configuration wherein “the entire shoe cleaning apparatus locates entirely under said bumper”. Even if a majority of the bracketry is removed from MacDonald as the Examiner proposes, the spike cleaner would not, and can not be located entirely under the bumper.

Moreover, claim 15 includes “said brush unit having a frame including a linking aperture formed thereon, said linking aperture arranged outboard of said brush unit and adapted to cooperate with a tow bar in a towing position for towing a second vehicle”. The Examiner has cited the apertures near “13” of Veith as capable of being adapted to cooperate with another device such as a tow bar. The linking aperture of the instant invention is presented in a convenient mounting location (outboard of the brush unit) for accepting a tow bar (See FIG. 7 of instant disclosure). Veith, nor any of the art of record, do not teach or suggest the use of a tow bar. Applicant submits that the

apertures 13 of Veith would interfere with the attachment structure (i.e. portion of the vehicle) used for securing the bracket. In addition, if the apertures 13 were utilized, because they are inboard of the brush unit, the brush unit may interfere with a tow bar during towing.

As a result, reconsideration and withdrawal of this rejection is respectfully requested.

CONCLUSION

It is believed that all of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicant therefore respectfully requests that the Examiner reconsider and withdraw all presently outstanding rejections. It is believed that a full and complete response has been made to the outstanding Office Action and the present application is in condition for allowance. Thus, prompt and favorable consideration of this amendment is respectfully requested. If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at (248) 641-1600.

Respectfully submitted,

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